

Appln No. 09/938,117
Amdt date November 25, 2005
Reply to Office action of September 25, 2005

REMARKS/ARGUMENTS

Pending Claims:

Claims 1, 4, 5, 8-12 are pending herein, with claims 2 and 3 being deleted with their subject matter placed in amended independent claim 1, with claims 6 and 7 being deleted with their subject matter placed in amended independent claim 5, and with independent claims 9 and 11 being amended to include limitations from claims 2 and 3.

Objection to the Drawings:

The Examiner objects to the drawings because certain reference numbers are missing from FIG. 8. The amendment to the specification attends to correcting this issue.

Rejection of claims 1-12 under 35 USC §101 as being Non-Statutory Subject Matter

The Examiner rejects claims 1-12 under 35 USC §101 because the claims are allegedly directed to non-statutory subject matter. The Examiner stated reasoning consists of what appears to be quoted language from two cases, but the language does not provide any support for the rejection.

In any case, Applicant respectfully traversed this ground of rejection. Each of the claims recites statutory subject matter in the form of a postage indicium fraud detection method.

Amended claim 1 recites: "A postage indicium fraud detection method for permitting the automated processing of void mail pieces bearing a unique indicium, comprising:

printing a first unique indicium on a mail piece or a label to be applied to a mail piece, the first unique indicium comprising at least one of a unique facing identification making (FIM) different from FIM A, FIM B, and FIM C, and a unique postal numeric encoding technique (POSTNET) barcode that does not correspond to an actual zip code, which first unique indicium identifies the mail piece as being a void mail piece and is sorted from mail pieces not bearing the unique indicium by automated mail handling equipment". Nothing in the patent law bars this type of subject matter from being patented. The same applies to the other independent claims.

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Claim 5 recites the same method as claim 1 plus recites “processing the void mail piece bearing the first unique indicium with the automated mail handling equipment to identify and segregate the void mail piece from other non-void mail pieces.”

Independent claim 9 recites a postage indicium fraud detection method for permitting the automated processing and segregation of void mail pieces bearing a first unique indicium from non-void mail pieces not bearing the first unique indicium, comprising:

- providing client software which permits a user to print information based indicia postage onto a mail piece or label for a mail piece;

- having the user enter a valid delivery address, select a type of mail piece, ...

- having the user verify and accept the address and any modifications thereto;

- having the user select between printing a sample void information based indicia postage and a non-void information based postage indicia;

- having a user print a sample information based postage indicia for void mail pieces and printing non-void information based postage indicia for non-void mail pieces, wherein the void mail piece or a label therefore is printed with a first unique indicium comprising ...; and

- providing automated mail handling equipment which is adapted to segregate void information based postage indicia bearing mail pieces from non-void information based postage indicia bearing mail pieces.

Claim 9, with its recitation of client software, interaction by the user with software to create a printed mailed piece, and processing of the mail pieces, is indeed statutory subject matter.

Lastly, independent claim 11 recites a postage indicium fraud detection method for permitting the automated processing, identification, and segregation of void mail pieces bearing a first unique indicium, comprising:

- providing automated mail handling equipment which is adapted to sort mail based on indicia placed on mail pieces; and

- providing client software for printing a first unique indicium on a mail piece or a label to be applied to a mail piece, the first unique indicium comprising at least one of a unique facing

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identification making (FIM) different from FIM A, FIM B, and FIM C, and a unique postal numeric encoding technique (POSTNET) barcode that does not correspond to an actual zip code, which first unique indicium identifies the mail piece as being a void mail piece and is sorted from mail pieces not bearing the unique indicium by automated mail handling equipment.

Rejection of Claims 1-12 under 35 USC §102(e) as being Anticipated

The Examiner rejects the claims as being anticipated by U.S. Patent No. 6,102,592 to Herbert. Applicant has carefully reviewed Herbert, and respectfully submits that claims 1-12 distinguish thereover.

The Examiner states that Herbert discloses a method for postage indicium fraud detection method for permitting the automated processing of void mail pieces bearing a unique indicium as shown in FIG. 1 and Col. 2, lines 1-15. Independent claim 1 has been amended to include the subject matter deleted in claims 2 and 3, and identifies the unique indicium as comprising at least one of the unique facing identification marking (FIM) different from FIM A, FIM B, and FIM C, and a unique postage numeric encoding technique (POSTNET) barcode that does not correspond to an actual zip code.

The first unique indicium that is identified in Herbert is the word "VOID" printed on an envelope in regular ink, which is overprinted with a specialized ink which upon exposure to bright light or heat that accompanies most photocopying disappears. The special ink is printed over or adjacent to the text spelling out VOID on the envelope such that when the mail piece is exposed to bright light or heat, only the word VOID will be reproduced with the specialized ink not showing up, and therefore shows the word VOID underneath.

In contrast, Applicant uses at least one of the unique facing identification marking (FIM) which consists of a series of vertical lines which are readable by mail handling equipment, and a unique postal numeric encoding technique (POSTNET) barcode that does not correspond to an actual zip code (the POSTNET barcode is processable by mail handling equipment). Again, in Herbert, the first unique indicium simply displays the word VOID on a mail piece, but does not provide a barcode type display which is reliably processable by mail handling equipment which

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is regularly used to direct mail pieces bearing FIM marks and bearing POSTNET barcodes. These comments apply with equal weight to the Examiner's remarks directed to claims 1-3, 5-7, 9 and 11.

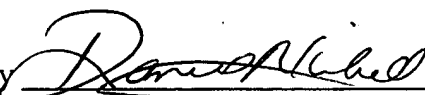
With regard to the Examiner's rejection of claims 4, 8, 10 and 12, the following remarks apply. The Examiner states that Herbert discloses a method for the postage indicia fraud detection method of claim 1 wherein an additional indicium comprising a unique postal alphanumeric encoding technology barcode is printed onto the mail piece or label for the mail piece, and the examiner refers to the postage meter with two printing stations at FIG. 5 and items 10, 11 and 12 of FIG. 1. Applicant respectfully disagrees with this ground of rejection. The unique postal alphanumeric encoding technology barcode or "PLANET" code is similar to a POSTNET code but uses short bars to represent 1's and long bars to represent 0's. As stated at the first full paragraph on page 10, the PLANET codes are read by USPS equipment but unlike the POSTNET codes which are used to sort mail, PLANET codes are used to identify the sender of the mail piece. Moreover, when the mail piece is processed by the USPS, the date and time of processing is electronically delivered to the addressee and is useful if the mail piece contains, for example, a check or order form. Furthermore, under this claimed invention, the PLANET code can also be added to the mail piece by server software. Also, armed with the unique FIM E and/or VOID zip barcode and the PLANET code, the USPS can automatically collect data as to exactly when a void PC postage mail piece was attempted to be processed and who was the sender. This can further reduce human intensive manual processing. Please see second full paragraph on page 10 of the specification.

Nothing of the sort is disclosed by the simple printing of the word "VOID" on a mail piece in Herbert. Accordingly, Applicant respectfully submits that the rejection of these claims

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under 35 USC §102(e) is traverses. If the Examiner has any remaining comments, a telephone call to the undersigned would be appreciated.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Daniel R. Kimbell
Reg. No. 34,849
626/795-9900

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